

JURY (EMERGENCY PROVISIONS).

6° GEO. VI., No. X.

No. 10 of 1942.

AN ACT to provide for the modification of the law relating to Juries during wartime and for purposes connected therewith.

[Assented to 6th November, 1942.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Jury (Emergency Provisions) Act, 1942.* Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Jury Act” means the Jury Act, 1898-1937 (No. 10 of 1898 as reprinted in the Appendix to the Sessional Volume of Statutes for the year 1928 and amended by the Acts No. 5 of 1937, and No. 10 of 1937).

“Present state of war” means the war with Germany, Italy, and Japan in which His Majesty is at the date of the commencement of this Act engaged and with any allies of Germany, Italy, and Japan in that war.

3. Notwithstanding the provisions of the Jury Act or any other Act, for the purpose of any trial with a jury, whether civil or criminal, a jury shall consist of six persons: Provided that the preceding provisions of this section shall not apply in relation to the trial of a person on a charge of treason or murder or on any other charge if the Court or a judge thinks fit by reason of the gravity of the matter in issue to direct that those provisions shall not apply. Number and qualification of jurors.

Qualification
and liability
to serve as
juror.

4. Section five of the Jury Act (which provides that the liability to serve upon a jury ceases at the age of sixty years) shall have effect as if the words "sixty-five years" were substituted for the words "sixty years" where they occur in line two of that section.

Challenges
to jurors and
limit of
attendance.

5. In relation to any trial in which by virtue of section three of this Act, the jury shall consist of six persons—

(a) section twenty-one of the Jury Act (which relates to the challenge of or objection to jurors) shall have effect as if the word "three" were substituted for the word "six" wherever it occurs in that section;

(b) section twenty-four of the Jury Act (which relates to the limit of attendance of jurors) shall have effect as if the word "ten" were substituted for the word "five" where it occurs in line three of that section.

Duration of
Act.

6. This Act shall, unless sooner repealed, continue in operation during the continuance of the present state of war and for a period of six months thereafter and no longer.